

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of DIAMOND THERESA
ANDERSON, KILEY DEKENJI WHEAT, JR., and
RODNEY DEWAYNE ANDERSON, Minors.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

RODNEY ANDERSON,

Respondent-Appellant,

and

CARLENA TREADWELL and JAMES
STEWART,

Respondents.

UNPUBLISHED
January 20, 2005

No. 254086
Wayne Circuit Court
Family Division
LC No. 95-329149

Before: Hoekstra, P.J., and Cavanagh and Borrello, JJ.

MEMORANDUM.

Respondent-appellant appeals as of right from the trial court order terminating his parental rights to the minor child Diamond under MCL 712A.19b(3)(c)(i), (c)(ii), (g), (j), and (k)(i). We affirm.

The trial court did not clearly err in finding clear and convincing evidence to support termination of respondent-appellant's parental rights under MCL 712A.19b(3)(c)(i), (c)(ii), (g), and (j). MCR 3.977(J); *In re Trejo*, 462 Mich 341, 356-357; 612 NW2d 407 (2000). Jurisdiction over the child was initially obtained when her mother, respondent Treadwell, left half-sibling Kiley Wheat in a car alone for at least forty-five minutes. A parent-agency agreement (PAA) was signed by Treadwell, and later by respondent-appellant.

While respondent-appellant initially visited regularly and began parenting classes and counseling, he failed to follow through and eventually was not in compliance with any of the terms of the agreement. He had several positive drug screens and often did not submit screens as requested. He had large gaps in visitation and failed to complete parenting classes, substance

abuse treatment, and counseling. He had no job or suitable housing. There was also evidence of domestic violence and a drug arrest. Diamond was removed from respondent-appellant's home following the arrest. When Diamond was in respondent-appellant's care, she also developed lead poisoning and cavities, and was behind on her immunizations. The worker had discussed these topics with respondent-appellant. The evidence showed that respondent-appellant failed to take responsibility for his actions and it was unlikely that the situation would improve sufficiently within a reasonable time. While he did love the child and a bond existed between them, he was apparently unwilling to take the steps necessary to ensure that Diamond would not again be the victim of neglect. Failure to comply with a PAA is evidence of continuing neglect. *In re Trejo*, *supra* at 360-361, n 16.

Further, the evidence did not show termination of respondent-appellant's parental rights to be clearly contrary to the child's best interests. MCL 712A.19b(5); MCR 3.977(J); *Trejo*, *supra* at 353. Respondent-appellant's failure to address his drug problem, to visit regularly, and to comply with other important provisions of his PAA signaled a lack of stability and a poor prognosis for being able to establish a safe, stable, loving home for his child. We find no clear error in the trial court's determination on the best interests issue.

Affirmed.

/s/ Joel P. Hoekstra
/s/ Mark J. Cavanagh
/s/ Stephen L. Borrello